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PATENT  
Attorney Docket No.: 020547-003560US  
Client Reference No.: 010080.06

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Commissioner for Patents  
Attn: Mail Stop Missing Parts  
Alexandria, VA 22313-1450

By: Ron Anton  
RON ANTON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bryan JULIEN et al.

Application No.: 10/729,802

Filed: December 5, 2003

For: DISORAZOLE POLYKETIDE  
SYNTHASE ENCODING  
POLYNUCLEOTIDES

Confirmation No.: 3275

Examiner: Not yet assigned

Art Unit: 1652

TRANSMITTAL LETTER –  
RESPONSE TO NOTICE OF MISSING  
PARTS

Attn: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated  
August 11, 2004, enclosed are the following to be made of record in the above-identified  
application:

- 1) Executed Declaration;
- 2) Power of Attorney;


- 3) Certificate of Assignee Under 37 C.F.R. § 3.73(b) and copy of Assignment;
- 4) Preliminary Amendment;
- 5) Paper Sequence Listing;
- 6) Sequence Listing on Diskette;
- 7) Supplemental ADS; and
- 8) Copy of Notice of Missing Parts;

Please charge Deposit Account No. 20-1430 for the following fees:

|                                 |                             |             |
|---------------------------------|-----------------------------|-------------|
| Small Entity:                   | (a) Missing Parts Surcharge | \$65        |
| <b>TOTAL FEES TO BE CHARGED</b> |                             | <b>\$65</b> |

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in duplicate.

Respectfully submitted,



Randolph Ted Apple  
Reg. No. 36,429

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415 576-0300  
RTA:sej

60329018 v1

**TRANSMITTAL  
FORM**

be used for all correspondence after initial filing)

|   |                             |                  |
|---|-----------------------------|------------------|
| <b>Application Number</b>                       | 10/729,802                  |                  |
|   | <b>Filing Date</b>          | December 5, 2003 |
|   | <b>First Named Inventor</b> | Julien, Bryan    |
|   | <b>Art Unit</b>             | 1562             |
|   | <b>Examiner Name</b>        | Not yet assigned |
| <b>Attorney Docket Number</b>                   | 020547-003560US             |                  |
| <b>Total Number of Pages in This Submission</b> | 63                          |                  |

**ENCLOSURES (Check all that apply)**

|   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Preliminary Amendment/Reply (3 pgs) and Paper Sequence Listing (45 pgs)<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application - in duplicate (2 pgs)<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney (1 pg) and Statement Under 3.73(b) (1 pg) Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Declaration (1 pg);<br>Copy of Assignment (2 pgs);<br>Sequence Listing on Diskette in CRF (1);<br>Supplemental ADS (3 pgs);<br>Copy of Notice to File Missing Parts (2 pgs); and<br>Return Postcard |
| <b>Remarks</b> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                                |  |                        |
|--------------------------------|--|------------------------|
| <b>Firm or Individual name</b> | Townsend and Townsend and Crew LLP<br>Randolph Ted Apple | <b>Reg. No.</b> 36,429 |
| <b>Signature</b>               |  |                        |
| <b>Date</b>                    | 10/11/04   |                        |

**CERTIFICATE OF TRANSMISSION/MAILING**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on October 12, 2004 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                              |           |             |          |
|------------------------------|-----------|-------------|----------|
| <b>Typed or printed name</b> | RON ANTON |             |          |
| <b>Signature</b>             |           | <b>Date</b> | 10/12/04 |

10/14/04

Page 1 of 2

JFO  
Box seq

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/729,802         | 12/05/2003             | Bryan Julien          | 300622010500           |

Ted Apple (Townsend and Townsend and Crew)  
 379 Lytton Avenue  
 Palo Alto, CA 94301



CONFIRMATION NO. 3275

## FORMALITIES LETTER



\*OC000000013508841\*

Date Mailed: 08/11/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/15/2004 SDIRETA1 00000024 201430 10729802

01 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

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